

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

SHARON ROCHARZ)	
Plaintiff)	
)	
v.)	C.A. No. 1:19-CV-11639-RWZ
)	
UNUM LIFE INSURANCE COMPANY OF)	
AMERICA, UNUM GROUP,)	
PARTNERS HEALTHCARE SYSTEM, INC.)	
and PARTNERS HEALTHCARE SYSTEM, INC.)	
GROUP LONG-TERM DISABILITY PLAN,)	
Defendants)	

JOINT MOTION TO STAY PROCEEDINGS

Plaintiff Sharon Rocharz and Defendants Partners Healthcare System, Inc. and Partners Healthcare System. Inc. Group Long-Term Disability Plan (collectively, "the Parties") hereby jointly move to stay the pending action.

In the interest of judicial economy and efficiency, including potentially having the matter resolved without further proceedings before the Court and, if the matter is not resolved providing the Court with a well-developed and complete record, the Parties request that the Court stay this matter to allow time for Partners/Unum to fully adjudicate plaintiff's claim for benefits. *See Bowlby v. Carter Mfg. Corp.*, 138 F.Supp.2d 182, 188 (D. Mass. 2001) (a district court's authority to "stay any case pending before it as an exercise of its inherent power to control its own docket is well established within the First Circuit"). *See also Buffonge v. Prudential Ins.Co.*, 426 F.3d 20, 31 (1st Cir. 2005) (there is "no question" that a district court "has the power to remand [a claim for benefits] to the claims administrator"). In support of their motion, the parties state as follows:

Attorneys
Ryan J. Zohel,
5/13/21

1. On April 28, 2021 this Court ordered the matter remanded back to Partners for further review of Plaintiff's entitlement to benefits (Doc #40);
2. If a stay is granted, then the parties propose and agree that:
 - a. Within 30 days of the Court's order, Plaintiff will submit any additional materials she would like Partners to consider in connection with her claim for benefits:
 - b. Partners will ensure that there is a supplemental review by Unum that includes consideration of Dr. Padula's September 2018 office notes and any additional materials submitted by Plaintiff. The review will follow the requirements under this Court's order, the procedures set forth in Plan documents, and 29 C.F.R. § 2560.503-1; and
 - c. A joint status report will be filed with the Court on or before July 15, 2021 and every 60 days thereafter until the claim is fully adjudicated. The status report will inform the Court of the status of the claim and whether any further action by the Court is necessary.
3. All Parties join in this motion.

WHEREFORE, the parties respectfully request that the Court:

1. Stay this matter to allow Partners/Unum to undertake a review of Plaintiff's claim; and
2. Grant such other relief as may be just.

Respectfully submitted,

PLAINTIFF,

DEFENDANTS,

SHARON ROCHARZ,
By her attorney,

PARTNERS HEALTHCARE SYSTEM,
INC. & PARTNERS HEALTHCARE
SYSTEM, INC. GROUP LONG TERM
DISABILITY PLAN,
By their attorney,

/s/ M. Katherine Sullivan

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Dated: May 11, 2021

CERTIFICATE OF SERVICE

I hereby certify that on **May 11, 2021** a copy of the foregoing **Joint Motion For Stay** was filed electronically and served by mail on anyone unable to accept electronic filing. Notice of this filing will be sent by e-mail to all parties by operation of the Court's electronic filing system or by mail to anyone unable to accept electronic filing as indicated on the Notice of Electronic Filing. Parties may access this filing through the Court's CM/ECF System.

/s/M. Katherine Sullivan

M. Katherine Sullivan